



2876

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:      Nygren, et al.      : Group Art Unit: 2876  
:  
Serial. No.:                      09/993,960      :  
:  
Filed:                              November 27, 2001      :  
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For:                              SCALABLE DISTRIBUTED      : Attorney Docket No.:  
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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications which may be material to the examination of this application and in respect of which there may be a duty of disclosure in accordance with 37 C.F.R. § 1.56. This information is being submitted before the mailing of the first Office Action on the merits. In compliance with 37 C.F.R. § 1.98(d), copies of patents set forth below and listed on the attached Form PTO 1449 (1 sheet) are enclosed.

**CERTIFICATE OF MAILING UNDER 37 CFR § 1.8**

I hereby certify that this paper and documents and/or fees referred to herein as transmitted, submitted or enclosed are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450 on the date indicated below.

Name: Alison B. Weisberg      Signature:       Date: May 12, 2003

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### U.S. Patents

5,237,157	Kaplan	August 17, 1993
5,539,635	Larson, Jr.	July 23, 1996
5,860,068	Cook	January 12, 1999
5,872,588	Aras, et al.	February 16, 1999
5,930,768	Hooban	July 27, 1999
5,966,440	Hair	October 12, 1999
5,991,737	Chen	November 23, 1999
6,160,989	Hendricks, et al.	December 12, 2000
6,233,682	Fritsch	May 15, 2001
6,263,313	Milsted	July 17, 2001
6,311,214	Rhoads	October 30, 2001
6,463,585	Hendricks, et al.	October 8, 2002
6,542,933	Durst, Jr., et al.	April 1, 2003

### Published U.S. Patent Applications

Publication No.	Applicant	Publication Date
2001/0027472	Guan	October 4, 2001
2001/0032251	Rhoads, et al.	October 18, 2001
2002/0062261	Mukai	May 23, 2002
2003/0019935	Giannulli	January 30, 2003

### Foreign Patent

Patent Document No.	Patentee/Applicant	Publication Date
WO 01/35410	Fitzpatrick	May 17, 2001
WO 02/44956	Christensen	June 6, 2002

### Other References

Anon, "Controversial Custom CD Patent Licensed by Super Sonic BOOM," Information Today, Vol. 15, No. 5, p.43, May 1998.

Anon., "Singapore: Vivamusic.com Opens Physical Store," Business Times, p. 12, August 21, 2002.

Applicants respectfully request that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO 1449 with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that other material information as defined in 7 C.F.R. § 1.56(b) exists.

The Commissioner is hereby authorized to charge any fees that may be due in connection with this submission to Deposit Account No. **50-0310**. A duplicate copy of this document is enclosed.

Respectfully submitted,

Dated: May 12, 2003

By: \_\_\_\_\_

  
Allison B. Weisberg

Registration Number 45,206

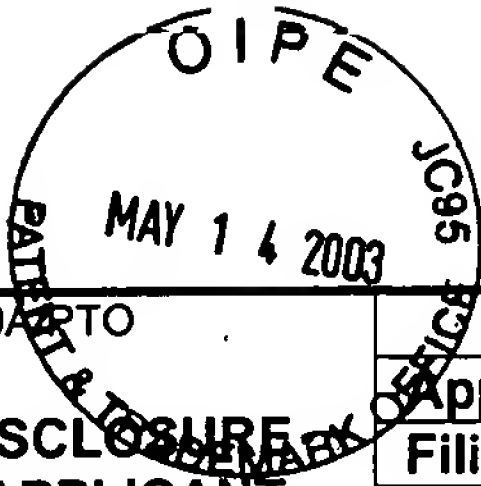
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Substitute for form 1449A-PTO		<b>Complete if Known</b>			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Applicati n Number	09/993,960		
		Filing Date	November 27, 2001		
		First Named Inventor	Nygren, et al.		
		Group Art Unit	2876		
		Examiner Name	Not Yet Assigned		
Sheet	1	of	1	Attorney Docket Number	052555-5017

U.S. PATENT DOCUMENTS				
Exr Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Number	Kind Code (if known)		
	5,237,157		Kaplan	August 17, 1993
	5,539,635		Larson, Jr.	July 23, 1996
	5,860,068		Cook	January 12, 1999
	5,872,588		Aras, et al.	February 16, 1999
	5,930,768		Hooban	July 27, 1999
	5,966,440		Hair	October 12, 1999
	5,991,737		Chen	November 23, 1999
	6,160,989		Hendricks, et al.	December 12, 2000
	6,233,682		Fritsch	May 15, 2001
	6,263,313		Milsted	July 17, 2001
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	2002/0062261		Mukai	May 23, 2002
	2003/0019935		Giannulli	January 30, 2003

FOREIGN PATENT DOCUMENTS					
Exr Initials	Foreign Patent Document			Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Country Code	Number	Kind Code (if known)		
	WIPO	01/35410		Fitzpatrick	May 17, 2001
	WIPO	02/44956		Christensen	June 6, 2002

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			T <sub>1</sub>
Exr Initials	Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published		
	Anon, "Controversial Custom CD Patent Licensed by Super Sonic BOOM," Information Today, Vol. 15, No. 5, p. 43, May 1998.		
	Anon, "Singapore: Vivamusic.com Opens Physical Store," Business Times, p. 12, August 21, 2000.		

Examiner Signature		Date Considered	
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